

## **MINUTES**

### **MONTANA HOUSE OF REPRESENTATIVES 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON STATE ADMINISTRATION**

**Call to Order:** Chair Pat Ingraham, on January 13, 2011 at 8:00 AM, in Room 455  
Capitol

#### **ROLL CALL**

##### **Members Present:**

Rep. Pat Ingraham, Chairman (R)  
Rep. Gerald (Jerry) Bennett, Vice Chairman (R)  
Rep. Franke Wilmer, Vice Chairman (D)  
Rep. Bryce Bennett (D)  
Rep. Joanne G. Blyton (R)  
Rep. Pat Connell (R)  
Rep. Betsy Hands (D)  
Rep. Gordon R. Hendrick (R)  
Rep. Douglas (Doug) Kary (R)  
Rep. Dan Kennedy (R)  
Rep. James Knox (R)  
Rep. Gary MacLaren (R)  
Rep. Tom McGillvray (R)  
Rep. Jean Price (D)  
Rep. Derek Skees (R)  
Rep. Frank Smith (D)  
Rep. Kathy Swanson (D)  
Rep. Ted Washburn (R)

**Members Excused:** None

**Members Absent:** None

**Staff Present:** Sheri Scurr, Legislative Branch  
Tim Stark, Committee Secretary

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

##### **Committee Business Summary:**

Hearing & Date Posted: HB 40, 1/11/2011; HB 91, 1/11/2011; HB 120, 1/11/2011; HB 145,  
1/11/2011

Executive Action: HB 23, HB 45

**Chairwoman Welcome:**

00:01:04 Rep. Pat Ingraham

**HEARING ON HB 120**

**Opening Statement by Sponsor:**

00:04:20 Rep. Tom McGillvray (R), HD 50, opened the hearing on HB 120, Provide for audio minutes as official minutes.

**Proponents' Testimony:** None

**Opponents' Testimony:** None

**Informational Testimony:**

00:06:34 Susan Fox, Legislative Services Division (LSD)  
**EXHIBIT(sth10a01)**

**Questions from Committee Members and Responses:**

00:07:07 Rep. James Knox  
00:07:33 Rep. Tom McGillvray  
00:07:41 Rep. Gordon Hendrick  
00:07:59 Rep. Tom McGillvray

**Closing by Sponsor:**

00:08:21 Rep. Tom McGillvray

**HEARING ON HB 91**

**Opening Statement by Sponsor:**

00:10:21 Rep. Pat Ingraham (R), HD 13, opened the hearing on HB 91, Revise election laws.  
00:11:24 Rep. Franke Wilmer left the room.  
00:14:51 Rep. Franke Wilmer entered the room.  
00:17:43 Rep. Tom McGillvray left the room.

**Proponents' Testimony:**

00:22:45 Linda McCulloch, Secretary of State (SOS)  
00:23:05 Rep. Betsy Hands left the room.  
**EXHIBIT(sth10a02)**  
00:25:56 Linda Stoll, Montana Clerk & Records  
00:27:57 Rep. James Knox left the room.

**Opponents' Testimony:** None

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

00:28:16 Rep. Pat Connell  
00:31:01 Linda McCulloch  
00:31:38 Rep. James Knox entered the room.  
00:33:10 Rep. Gordon Hendrick  
00:33:52 Linda McCulloch  
00:34:31 Rep. Gordon Hendrick  
00:35:05 Linda McCulloch  
00:35:48 Rep. Pat Ingraham  
00:37:35 Rep. Joanne Blyton  
00:38:31 Rep. Pat Ingraham  
00:39:14 Rep. Franke Wilmer left the room.  
00:39:27 Rep. Joanne Blyton  
00:39:40 Rep. Pat Ingraham  
00:40:11 Rep. Betsy Hands entered the room.  
00:40:25 Rep. Derek Skees  
00:40:50 Rep. Franke Wilmer entered the room.  
00:41:18 Rep. Pat Ingraham  
00:43:18 Rep. Jean Price  
00:43:49 Rep. Pat Ingraham

**Closing by Sponsor:**

00:45:04 Rep. Pat Ingraham

**HEARING ON HB 40**

**Opening Statement by Sponsor:**

00:47:18 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 40, Changing the standard for adoption of administrative rules.

**Proponents' Testimony:** None

**Opponents' Testimony:**

00:56:20 Mark Cadwallader, Montana Department of Labor (DLI)  
01:04:15 Candace West, Montana Department of Natural Resources & Conservation (DNRC)  
01:11:08 Christen McKay, Montana Department of Livestock  
01:12:59 Tim Reardon, Montana Department of Transportation (MTDOT)  
01:15:33 Rep. Betsy Hands left the room.  
01:18:52 Rep. Betsy Hands entered the room.

01:19:00 Anne Hedges, Montana Environmental Information Center (MEIC)

01:24:29 James Park, Montana Board of Real Estate

[EXHIBIT\(sth10a03\)](#)

[EXHIBIT\(sth10a04\)](#)

[EXHIBIT\(sth10a05\)](#)

[EXHIBIT\(sth10a06\)](#)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

01:25:05 Rep. Dan Kennedy  
 01:25:31 Rep. Ken Peterson  
 01:25:54 Rep. Gary MacLaren  
 01:26:12 Rep. Ken Peterson  
 01:26:17 Rep. James Knox  
 01:26:36 Rep. Ken Peterson  
 01:26:49 Rep. James Knox  
 01:27:09 Rep. Ken Peterson  
 01:28:43 Rep. James Knox  
 01:29:28 Mark Cadwallader  
 01:31:04 Rep. Dan Kennedy  
 01:31:52 Rep. Ken Peterson  
 01:32:55 Rep. Dan Kennedy  
 01:33:16 Anne Hedges  
 01:33:41 Rep. Frank Smith  
 01:34:28 Rep. Ken Peterson  
 01:35:34 Rep. Douglas Kary  
 01:36:06 Rep. Ken Peterson  
 01:36:46 Rep. Franke Wilmer  
 01:37:15 Rep. Ken Peterson  
 01:37:40 Rep. Franke Wilmer  
 01:38:56 Rep. Ken Peterson  
 01:40:29 Rep. Derek Skees  
 01:41:04 Rep. Ken Peterson  
 01:42:16 Rep. Derek Skees  
 01:43:09 Mark Cadwallader  
 01:47:57 Rep. Betsy Hands  
 01:48:47 Rep. Ken Peterson  
 01:49:05 Rep. Betsy Hands  
 01:49:27 Rep. Ken Peterson  
 01:49:48 Rep. Betsy Hands  
 01:50:08 Rep. Ken Peterson  
 01:50:28 Rep. Jerry Bennett  
 01:52:06 Candace West  
 01:55:32 Rep. Pat Ingraham  
 01:55:51 Rep. James Knox  
 01:56:38 Candace West  
 01:57:29 Rep. Dan Kennedy

01:58:18 Rep. Ken Peterson

**Closing by Sponsor:**

01:58:49 Rep. Ken Peterson

**HEARING ON HB 145**

**Opening Statement by Sponsor:**

02:15:46 Rep. Ken Peterson (R), HD 46, opened the hearing on HB 145, Require resignation of legislative seat prior to taking government job.

**Proponents' Testimony:** None

**Opponents' Testimony:**

02:19:29 Linda McCulloch (SOS)

02:23:50 Eric Feavor, Montana Education Association & Montana Federation of Teachers (MEA\_MFT)

02:25:55 Tom Scheider, Montana Public Employee Association (MPEA)

**Informational Testimony:** None

**Questions from Committee Members and Responses:**

02:28:24 Rep. Bryce Bennett

02:28:51 Rep. Ken Peterson

02:29:06 Rep. Bryce Bennett

02:29:47 Rep. Ken Peterson

02:30:12 Rep. James Knox

02:30:51 Rep. Ken Peterson

02:31:00 Rep. James Knox

02:31:18 Rep. Ken Peterson

02:31:35 Rep. James Knox

02:31:54 Rep. Ken Peterson

02:32:11 Rep. Betsy Hands

02:32:50 Rep. Ken Peterson

02:32:56 Rep. Dan Kennedy

02:33:24 Linda McCulloch

02:34:19 Rep. Dan Kennedy

02:34:41 Linda McCulloch

02:35:40 Rep. Dan Kennedy

02:35:53 Linda McCulloch

02:37:02 Rep. Franke Wilmer

02:37:43 Rep. Ken Peterson

02:37:55 Rep. Franke Wilmer

02:38:09 Rep. Ken Peterson

02:38:24 Rep. Franke Wilmer

02:39:02 Linda McCulloch

02:39:31 Rep. Pat Connell  
02:40:24 Rep. Ken Peterson  
02:40:52 Rep. Franke Wilmer  
02:41:00 Rep. Ken Peterson  
02:41:14 Rep. Derek Skees  
02:41:39 Rep. Ken Peterson  
02:41:53 Rep. Derek Skees  
02:42:23 Rep. Ken Peterson

**Closing by Sponsor:**

02:42:47 Rep. Ken Peterson

**EXECUTIVE ACTION ON HB 23**

**Motion:** Rep. G. Bennett moved that **HB 23 DO PASS.**

**Discussion:**

02:48:00 Sheri Scurr  
02:50:52 Rep. Pat Ingraham  
02:51:02 Rep. Douglas Kary  
02:51:11 Sheri Scurr  
02:51:37 Rep. Gordon Hendrick  
02:52:09 Rep. Betsy Hands  
02:52:31 Rep. Dan Kennedy  
02:52:52 Rep. Pat Ingraham  
02:54:16 Rep. Dan Kennedy  
02:52:50 Rep. Pat Ingraham  
02:54:19 Rep. Dan Kennedy

**Vote:** Motion carried unanimously by roll call vote. Rep. Blyton and Rep. McGillvray voted by proxy.

**EXECUTIVE ACTION ON HB 45**

**Motion:** Rep. G. Bennett moved that **HB 45 DO PASS.**

**Discussion:**

02:57:18 Sheri Scurr

**Vote:** Motion carried unanimously by voice vote. Rep. Blyton and Rep. McGillvray voted by proxy.

**ADJOURNMENT:**

Adjournment: 02:58:44

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Tim Stark, Secretary

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Additional Documents:

**EXHIBIT([sth10aad.pdf](#))**